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Dear Friend,

I'm responding to the many communications I've received about the healthcare bill. I am writing one letter to respond to all of the phone calls, emails, letters etc. that I received, for two reasons. Most importantly, I do not want there to be any suggestion that I altered either the substance or the tone of my responses to reflect the views of those whom I was answering. Secondly, the large number of communications which I received, which touch on different combinations of issues, would require more time than I and the staff that works with me would have, consistent with our other duties, to provide fully individualized answers. You may well be receiving an answer that touches on subjects you did not raise, but I find that preferable to sending out mail that might not mention as particular issues that the recipient of my answer had raised.

The healthcare bill, as it evolved over a significant period of time now, presented both procedural and substantive issues, and I believe that the law as passed and as it is enacted from September 2010 through 2014 and beyond, makes significant steps forward and also presents areas to improve that are informed by both existing knowledge and by communications from constituents.

Substantively, I support legislation to provide universal coverage. My own preference would be a single-payer system. I believe that the Medicare system – in which I am now enrolled and have been for several years – works better than the private insurance systems, although it is obviously not perfect and needs some changes. But I also recognize that we are not close to having the support in the country that I wish we had for a single-payer system, and therefore we should do what we can achieve. I believe that the Massachusetts system has worked, on the whole, better than what existed before, and one of the things in favor of the federal bill, in my mind, is that it does somewhat approach the Massachusetts system. I am troubled, I should add, in general, by the notion of a mandate on people to buy healthcare plans, and I would have preferred something that avoided this, but I believe that something of this sort is necessary because a great number of the reforms that are very desirable – and broadly supported – cannot go forward unless we are able to broaden the base of those who are being insured. I note that the argument that this is unconstitutional surprises me some if it comes from people from Massachusetts, since the bill signed into law by Governor Romney in 2006 and passed by the Democratic Legislature, includes exactly this same sort of mandate, and if it is unconstitutional at the federal level, it is unconstitutional at the state level. I do not think there is a constitutional violation at either level and I believe that given the importance of universality to enact many of the reforms that are essential here, such as protection of people with preexisting conditions, the form of penalty for those who do not purchase is not punitive.

I did very much prefer the House bill to the Senate bill in most respects, although not on the issue of abortion. I objected to the taxation of health benefits, and I am pleased that we were able to substantially reduce the extent to which that is in the final bill. The level at which coverage triggers taxation has been increased, and more importantly, this does not take effect until 2018, and this is the one provision of the bill I am determined to work with others to replace. I think there are better revenue sources that do not penalize people for the choices they have made in their decisions to accept healthcare as opposed to salaries or some other benefit.

I also objected to a number of the special provisions in the Senate bill and I am pleased that they were eliminated – for example, the Nebraska buy-in.

Finally, I do want to address the concerns about legislative procedure. When some of the House leaders talked about using a procedure that would have avoided a direct vote on the bill, I thought it was a mistake and I lobbied for direct votes on the bill. As you know, the leadership dropped the effort to avoid a direct vote and in fact there were several votes on the bill and on the amendments to it. The other objection I did not share – namely to adopting it in the Senate by majority rule. I think the use of the filibuster is a denial of democracy, whether it was used by Democrats or Republicans. The Constitution, in fact, assumes that we will let majority rule except in a few cases, which it states – regarding edification of treaties and the conviction of an official charged with impeachment. The procedure by which we were able to rely on a signed majority – called reconciliation – has been widely used by parties and it is entirely appropriate.

I should note that I think that the great majority of people in this country will notice very little change because of the passage of this bill. Those of us who are on Medicare, for example, will not see any change and those who have plans with their employers that they like will not see any change either. It will be helpful for a variety of people, including those with preexisting conditions, people who want to change jobs but are afraid they would lose health insurance if they did, parents of people under twenty-six who might otherwise not be able to get healthcare and some other categories. As we go forward, there may well be the need to make some amendments, as there often are in various pieces of legislation – for example, this bill amends the most recent major Medicare amendment put through by the Republicans, which provided a drug benefit but included what is called the donut hole. We begin the process of closing that to the benefit of older people who have high requirements for prescription drugs. Similar amendments might be in order for this bill, and as I've said, I've already committed to supporting one that will remove the level of taxation that has been imposed to be effective in 2018.

Sincerely,

A handwritten signature in cursive script that reads "Barney Frank". The signature is written in dark ink on a light-colored background.

BARNEY FRANK